

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**JESUS TIRADO-MACIEL,
RAYMOND C. WHITBECK, SR., and
KIMBERLY THIEM,**

Defendants.

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ORDER

This matter is before the court on the motion to continue by defendant Jesus Tirado-Maciel (Tirado-Maciel) (Filing No. 46). Tirado-Maciel seeks a continuance of the trial of this matter which is scheduled for May 30, 2006. Counsel for the government has no objection to the motion. Tirado-Maciel's counsel represents that Tirado-Maciel will submit an affidavit in accordance with paragraph 9 of the progression order whereby Tirado-Maciel consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted, and trial of this matter as to all defendants will be continued.

IT IS ORDERED:

1. Tirado-Maciel's motion to continue trial (Filing No. 46) is granted.
2. Trial of this matter **as to all defendants** is re-scheduled for **July 31, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 23, 2006 and July 31, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 23rd day of May, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge